



Atty Docket No. BRW003/142280 IFC

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ben K. Rice.
Serial No.: 10/671,222
Date Filed: 09/24/2003
For: Construction Safety Barrier

Group No.: 3679
Examiner: Ferguson, Michael P.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUTHORIZATION TO ACT IN A REPRESENTATIVE CAPACITY

The practitioner named below is authorized to conduct interviews and has the authority to bind the principal concerned. Furthermore, the practitioner is authorized to file correspondence in the above-identified application pursuant to 37 C.F.R. § 1.34:

Brett T. Cooke
Andrews Kurth LLP
600 Travis, Suite 4200
Houston, Texas 77002
Registration No. 55,836
Tel. 713-220-3813

Note: This is not a Power of Attorney to the above-named practitioner. Accordingly, the practitioner named above does not have authority to sign a request to change the correspondence address, a request for an express abandonment, a disclaimer, a power of attorney, or other document requiring the signature of the applicant, assignee of the entire interest or an attorney of record. If appropriate, a separate Power of Attorney to the above-named practitioner should be executed and filed in the United States Patent and Trademark Office.

Date: April 19, 2005

Andrews & Kurth, LLP
600 Travis, Suite 4200
Houston, Texas 77002
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Gary L. Bush
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RESPONSE TRANSMITTAL

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. Transmittal herewith are an Amendment and Authorization to Act in a Representative Capacity for this application.

2. Applicant is

- a small entity.
 other than a small entity

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this correspondence is, on the date shown below, being deposited with sufficient postage as First Class Mail, in an envelope addressed to the following: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4/19/05

Coco Betancourt

Signature

Coco Betancourt

(type or print name of person certifying)

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete, as applicable)

- Applicant petitions for an extension of time under 37 C.F.R. § 1.136
(fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee large entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$ 1080.00

Fee: \$ _____ -0-

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.
- Extension fee due with this request \$ _____ -0-

OR

- Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d) has been calculated as shown below:

Claims Remaining After Amendment	Highest No. Previously Paid For	Extra Present	Rate	Added Fee
Total: 6	12	0	\$50/25	\$0.00
Independent: 1	2	0	\$200/100	\$0.00
First Presentation of Multiple Dependent Claims:		\$360/180		\$0.00
				Total Additional Fees: \$0.00

(complete (c) or (d), as applicable).

- No additional fee for claims is required.

OR

- Total additional fee for claims required \$ 0.00

FEE PAYMENT

5. Attached is our check in the sum of \$ _____.
- Attached is our check in the sum of \$ _____ for a petition to revive an application.
- Charge Account No. 50-0897 the sum of \$ _____

FEE DEFICIENCY

6. If any additional extension and/or fee is required, charge Account No. 50-0897
(BRW003/142280)

AND/OR

- If any additional fee for claims is required, charge Account No. 50-0897
(BRW003/142280)

Date: April 19, 2005



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RESPONSE TO OFFICE ACTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of February 9, 2005, please amend this application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims beginning on page 3 of this paper.

Remarks begin on page 4 of this paper.